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SUBJECT: NIGERIA: BUHARI EXTREMELY WORRIED ABOUT NIGERIA'S FUTURE

REF: A. ABUJA 2405

[1](#)B. ABUJA 2339

Classified By: Ambassador Robin R. Sanders for Reasons 1.4 (B & D)

[1](#)1. (C) Summary: Ambassador and DepEconCouns (notetaker) traveled to Kaduna to meet with former Head of State General Muhammadu Buhari and his advisor Mamman Daura on December 18. Buhari said he was disappointed with the Supreme Court ruling, which denied his claim that the 2007 presidential election should be rerun, but said he plans to stay involved in partisan politics. He reiterated his complaints on the failure of the Independent National Electoral Commission (INEC) to conduct future fair-elections and was highly critical of former Chief Justice Uwais, who headed the Election Reform Committee (ERC), noting that Uwais lacked integrity (reftel B). Buhari claims that Uwais was Supreme Court Chief Justice in 2003 when the court dismissed the case against the 2003 presidential election results without proper review. Buhari contested the 2003 presidential election and filed a motion claiming the election was rigged. When asked for his perspective on the future he said he was "extremely worried" about the political elite holding the country together. End Summary.

[1](#)2. (C) In a December 18 meeting, the Ambassador began her meeting by noting that Buhari was known for his commitment to the rule of law. Ambassador asked the former Head of State his views as to whether he still had confidence in Nigerian Supreme Court (SC) and justice system, although the SC had just ruled against him. He said no. However, despite the ruling he planned to stay involved in partisan politics because of his loyalty to his supporters and his country.

[1](#)3. (C) When asked his opinion on the prospects for electoral reform, he said the 2007 election was "gravely flawed" and that there were "gross violations" of the 2006 Electoral Act. He opined that the 2006 Electoral Act was not the problem, but lack of implementation and respect for the Act was, as there was no enforcement. Buhari noted the SC's dissenting opinions explain in detail these violations, which followed along the lines of his views expressed in his December 12 press statement. Buhari underscored that in the 2007 election the used ballots had no serial numbers, which are required by the 2006 Electoral Act to prevent fraud. Moreover, when the final results were announced, INEC in Abuja had only completed collations from 12 states, leaving out the remaining 24 states. Buhari asserted that members of the SC that voted in favor did not fully examine the evidence that his side presented and that his team had presented "enough evidence" to annul the election.

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Electoral Reform and Civil Society

[1](#)4. (C) In response to the Ambassador's question on how the USG should work with civil society on electoral reform, Buhari referred to his 2004 address at the Woodrow Wilson Center at Princeton where he

raised the importance of civil society. He said the USG had done an excellent job of developing civil society, as well as providing observers/monitors for the 2007 elections. He thanked the U.S., E.U. and other international supporters for their candid comments criticizing the 2007 presidential elections. Buhari stressed that the electoral problems afflicting Nigeria are not the result of poor laws governing the process but from intentionally poor implementation of these laws. He shared that that the 2002 and 2006 Electoral Acts are better laws than the electoral laws in the Democratic Republic of Congo (DRC), Kenya and Ghana, however, these nations were able to carryout better elections than Nigeria.

15. (C) Regarding the ERC and INEC, Buhari was dismissive of the committee and said its membership lacks people of integrity and fairness. (Comment: This is not our judgment of all of the ERC membership. There are several members well known to us who we believe are honest brokers. See reftel A. End Comment.) Buhari contended that the INEC should have members that come from all registered political parties. The Ambassador asked whether this approach would lead to deep arguments about the number of representatives for each party, on INEC leading to more confusion and deadlock. Buhari responded that it was a "chicken or the egg" debate and that political party participation should not be decided based on who wins an election because the elections are rigged, but this design would allow every party to have representation on the Commission based on the numbers of their national membership. He added that INEC Chairman Iwu has no integrity, noting that INEC can not properly account for the 10 million Euros given to it by the EU. He also added that Chief Justice Uwais of the ERC also lacked integrity. Buhari claims that Uwais was Supreme Court Chief Justice in 2003 when the SC dismissed his case against the 2003 presidential election results without proper review. Buhari contested the 2003 presidential election and filed a motion claiming the election was rigged, but the challenge was dismissed after a 45 minute discussion.

16. (C) Buhari's special advisor, Mamman Dauri, said that a "reasonable" election was held in 1979 and that it was "reasonably" free and fair. In contrast, he said that INEC can't be independent because INEC rigged the 2007 election for this government. Buhari suggested that if the National Assembly provided INEC with its own budget and the legal framework with regular auditing by the Accountant-General's office, then INEC could play a positive role.

ANPP Restructuring

17. (C) Buhari expressed displeasure that three ANPP party members have joined the Yar'Adua administration while still maintaining their ANPP party positions and receiving funds as officials of the party. He noted that the ANPP leadership may undergo restructuring in the wake of these moves and the SC decision.

The Future

18. (C) The Ambassador asked for Buhari's forecast for Nigeria's future and whether he was worried about his country particularly over for the next 3-5 years. Buhari continuing to note his disappointment said that he "blamed the Nigerian political elite for its failure to politically stabilize the country." He said indiscipline, corruption and incompetence were the three main characteristics of the Nigerian political elite. He shared his experiences of studying in India in 1972-73 and noted the progress India and other countries such as Botswana, South Africa and Ghana have made in contrast to Nigeria. He underscored that he was "extremely worried" about Nigeria and the continuing negative role of the political elite.

19. (C) With regard to his own future, Buhari said he had not made a decision - which he called his personal decision - as to whether he would attend the Council of States (COS) meeting, in which he is a member as a former President. (Note: The COS is an advisory body made up of former Nigerian Heads of State and Supreme Court Justices providing advice to the sitting president. End Note). In the past Buhari has not attended because he was contesting the 2007 election and did not want to be connected to what the Yar'Adua administration was doing.

110. (C) Comment: Buhari was clearly disappointed in the Supreme

Court's decision, but appeared to accept the judgment despite the flaws he mentioned. He seemed at least somewhat pleased that the dissenting Justices had views similar to his on the facts of the flaws in the 2007 elections, and highlighted that it was a close vote. We expect him to remain politically active and work within the ANPP to improve its leadership. Although he expressed concern with the future, he did not address the potential for a military coup or other destabilizing event, but wants to see Nigeria's political future taken out of the hands of the elites. The ERC recommendations have not yet been shared with the public and we have just received a back door copy, which we will review. Meanwhile Ambassador's meeting with ERC Chairman Justice Uwais will be reported septel. End Comment.

11. This cable was coordinated with Consulate Lagos.

SANDERS